

## CHANGE IN CONDITIONS APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GEORGIA

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Joseph Barillari</u> <u>c/o Mill Creek Consulting</u>	NAME: <u>Simpson Circle, LLC</u>
ADDRESS: <u>4480 Commerce Dr., Suite A</u>	ADDRESS: <u>2731 Simpson Circle</u>
CITY: <u>Buford</u>	CITY: <u>Norcross</u>
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: <u>Ga</u> ZIP: <u>30071</u>
PHONE: <u>770-614-6511</u>	PHONE: <u>770-368-8700</u>
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u>	
APPLICANT'S E-MAIL: <u>millcreekconsulting@gmail.com</u>	

\*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:	
<u>      </u> OWNERS AGENT	<u>  X  </u> PROPERTY OWNER
<u>      </u> CONTRACT PURCHASER	
PRESENT ZONING DISTRICT (S): <u>M-2</u>	PRIOR ZONING CASE: <u>SUP2010-00064</u>
LAND DISTRICT (S): <u>6</u>	LAND LOT (S): <u>258</u> ACREAGE: <u>2.3</u>
ADDRESS OF PROPERTY: <u>2731 Simpson Circle</u>	
PROPOSED DEVELOPMENT: <u>Salvage operation/metal recycling yard-Allow Saturday Operation</u>	
RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>      </u>	NO. OF BUILDINGS/UNITS: <u>1</u>
DWELLING UNIT SIZE (SQ. FT.): <u>      </u>	TOTAL GROSS SQUARE FEET: <u>5,000</u>
GROSS DENSITY: <u>      </u>	DENSITY: <u>2,174 sq/ft per acre</u>
NET DENSITY: <u>      </u>	

**LETTER OF INTENT**  
PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

CIC 2012-003

## LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 258 OF THE 6TH DISTRICT, GWINNETT COUNTY, GEORGIA CONTAINING 2.308 ACRES AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING COMMENCE AT A POINT LOCATED AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HWY. 23 AND THE WESTERLY RIGHT OF WAY LINE OF SIMPSON CIRCLE. FROM SAID POINT OF BEGINNING AND FOLLOWING SAID WESTERLY RIGHT OF WAY LINE OF SIMPSON CIRCLE, IN A SOUTHWESTERLY DIRECTION, A TOTAL DISTANCE OF 2,740.13 FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID TRUE POINT OF BEGINNING AND FOLLOWING THE WESTERLY RIGHT OF WAY LINE OF THE PROPOSED 80 FOOT RIGHT OF WAY OF SIMPSON CIRCLE SOUTH 15 DEGREES 15 MINUTES 42 SECONDS WEST A DISTANCE OF 110.64 FEET TO A POINT;

THENCE CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE OF SIMPSON CIRCLE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,766.09 FEET, AN ARC DISTANCE OF 195.58 FEET, SAID ARC BEING SUBTENDED BY A CHORD OF SOUTH 11 DEGREES 44 MINUTES 22 SECONDS WEST A DISTANCE OF 195.48 FEET TO A POINT, SAID POINT BEING LOCATED ON THE LAND LOT LINE COMMON TO LAND LOTS 239 AND 258;

THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE OF SIMPSON CIRCLE AND FOLLOWING SAID LAND LOT LINE SOUTH 60 DEGREES 09 MINUTES 51 SECONDS WEST A DISTANCE OF 120.93 FEET TO A POINT;

THENCE DEPARTING SAID LAND LOT LINE COMMON TO LAND LOTS 239 AND 258 NORTH 29 DEGREES 33 MINUTES 30 SECONDS WEST A DISTANCE OF 476.71 FEET TO A POINT;

THENCE NORTH 60 DEGREES 26 MINUTES 30 SECONDS EAST A DISTANCE OF 75.57 FEET TO A POINT;

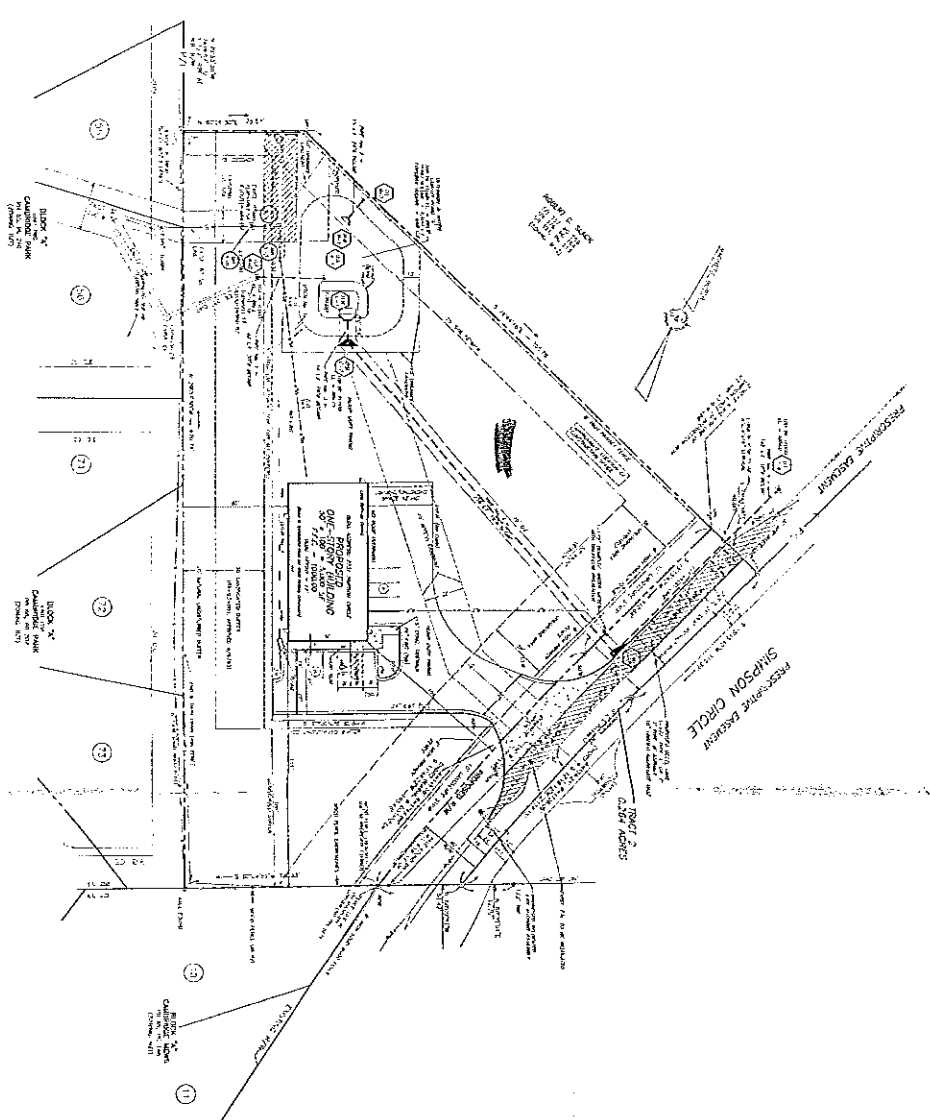
THENCE SOUTH 74 DEGREES 44 MINUTES 18 SECONDS EAST A DISTANCE OF 355.78 FEET TO A POINT, SAID POINT BEING LOCATED ON THE WESTERLY RIGHT OF WAY LINE OF SIMPSON CIRCLE AND BEING THE TRUE POINT OF BEGINNING.

MISC/BEE001\_LEGAL



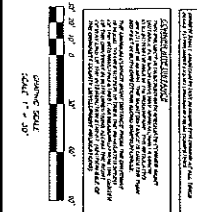
RECEIVED 10-01-10  
SUP2010-00064

IF YOU DIG STOP!!  
 CALL US FIRST!  
 1-800-368-0800  
 (ALONG ALABAMA ONLY)  
 WE'LL FIND IT FOR YOU!  
 IT'S THE LAW



**GENERAL NOTES:**  
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 2. THE PROPOSED IMPROVEMENTS ARE SUBJECT TO THE APPROVAL OF THE LOCAL AGENCIES.  
 3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.  
 4. THE PROPOSED IMPROVEMENTS ARE BASED ON THE INFORMATION PROVIDED BY THE CLIENT.  
 5. THE ENGINEER ASSUMES NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS PLAN.

DATE SUBMITTED: JAN 8, 2018  
 PROJECT: PROPOSED OFFICE/WAREHOUSE FACILITY  
 CLIENT: BEELER TREES



**PROPOSED OFFICE/WAREHOUSE FACILITY**  
 BEELER TREES  
 1000 MULTICANE BLVD. NW, SUITE 2000  
 KNOXVILLE, TN 37922  
 (615) 582-1234

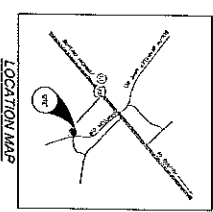
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PROJECT NO.	DATE	BY	CHKD.
18-001	1/8/18	JL	ML
18-001	1/8/18	JL	ML
18-001	1/8/18	JL	ML

NO.	DESCRIPTION	DATE
1	PROPOSED OFFICE/WAREHOUSE FACILITY	1/8/18
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**PROPOSED OFFICE/WAREHOUSE FACILITY**  
 BEELER TREES

**Brock Design Group, Inc.**  
 1000 MULTICANE BLVD. NW, SUITE 2000  
 KNOXVILLE, TN 37922  
 (615) 582-1234

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY, OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

(A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES HAVE A REASONABLE ECONOMIC USE.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREET, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS:

THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

THE SUBJECT PROPERTY IS DESIGNATED AS HEAVY INDUSTRIAL

(F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING:

SEE LETTER OF INTENT.

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article P, Section 1, Paragraph 1, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

.....  
PLANNING DIVISION USE ONLY

CASE NUMBER \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

## REZONING APPLICANT'S LETTER OF INTENT

The Applicant and Owner, Joseph Barillari, requests a Change in Conditions for the purpose of allowing the business to operate on Saturday's. The subject property is located at 2731 Simpson Road, district 6 land lot 258 in Gwinnett County.

SUP2010-00064 was approved in February 2011 to allow a metal recycling yard to begin operation at the location as an accessory to the already operating TriStar Demolition business. The property has been zoned M-2 (Heavy Industrial) since 1971 and TriStar has owned the property for almost 5 years now. The request is to change condition 1. B. which restricts the use of the property on Saturday and Sunday to office use only. Our request is to allow the applicant to accept recyclables on Saturday from 9am to 4pm and no change in Sunday hours is requested. We would also agree to not use the trackhoe, load steel into any trucks or unload any rollofs on the weekend. The only equipment we would use are the 2 rubber tire forklifts that you really can't hear running. One is electric and the other is propane powered and both are very quiet. Other businesses in the area are allowed to be open on Saturday and while we understand that we abut residential properties we need to remain competitive if we are going to continue to stay in business.

The berm has been extended and the additional plantings have been installed along the rear of the property. We have stayed in contact with the Cambridge Park Home Owners Association and will continue to communicate with them and address their concerns as good neighbors should.

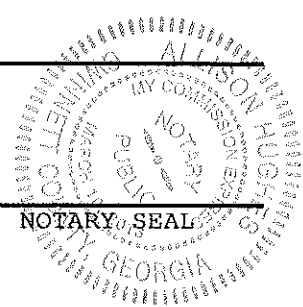
CHANGE IN CONDITIONS APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

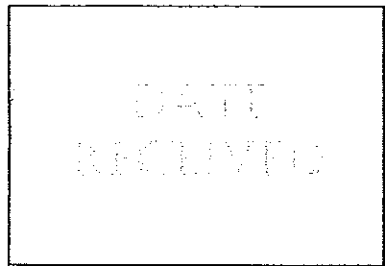
X *[Signature]* 1/27/12  
SIGNATURE OF APPLICANT DATE

JOSEPH BARRY President  
TYPE OR PRINT NAME AND TITLE

*[Signature]* 1/27/12  
SIGNATURE OF NOTARY PUBLIC DATE



CASE NUMBER \_\_\_\_\_



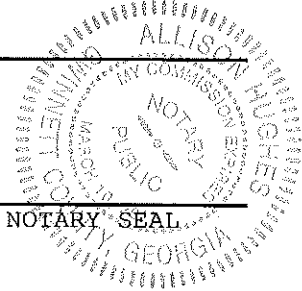
CHANGE IN CONDITIONS PROPERTY OWNER'S CERTIFICATION

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

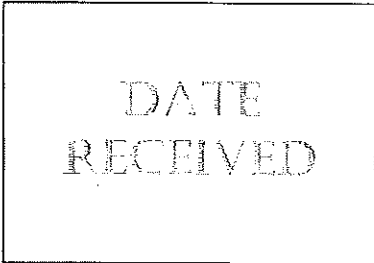
X *Joseph Bacillars* 1/26/12  
SIGNATURE OF OWNER DATE

Joseph Bacillars (President)  
TYPE OR PRINT NAME AND TITLE

*Allison Hughes* 1/26/12  
SIGNATURE OF NOTARY PUBLIC DATE



CASE NUMBER \_\_\_\_\_



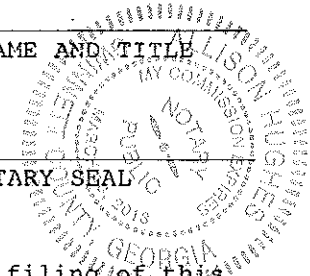
**CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS**

The undersigned below, making application for a Change in Conditions, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

X Jim Bar                      1/27/12                      Joseph Barillari President  
 SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

\_\_\_\_\_  
 SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE                      DATE                      TYPE OR PRINT NAME AND TITLE

Allison H                      1/27/12                      \_\_\_\_\_  
 SIGNATURE OF NOTARY PUBLIC                      DATE                      NOTARY SEAL



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

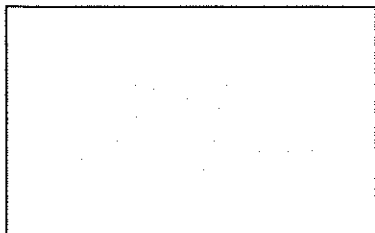
X Joseph Barillari                      Yes                      (yes/no)  
 YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
<u>Lynette Howard</u>	<u>\$1500.</u>	<u>Sept 2010</u>
<u>John Heard</u>	<u>\$1500.</u>	<u>Sept 2010</u>

Attach additional sheets if necessary to disclose or describe all contributions.

CASE NUMBER \_\_\_\_\_



VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR CHANGE IN CONDITIONS

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

\* Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.

PARCEL I.D. NUMBER: 6 - 258 - 252

(Map Reference Number)                      District                      Land Lot                      Parcel

SIGNATURE OF APPLICANT X Joe Bar                      DATE 1/26/12

TYPE OR PRINT NAME AND TITLE JOSEPH BARRIARI                      President

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TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

NAME Nick Cole                      TITLE TSA II

DATE 2/1/12

CASE NUMBER \_\_\_\_\_

